

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

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In the Matter of)
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OMNITRONICS, L L C)
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Amendment of Sections 95.419 and)
95.607 of the Commission's Rules to)
Authorize Hands-Free Microphones)
in the Citizens Band Radio Service)
)
To The Commission)

DEC 17 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM No _____

PETITION FOR RULEMAKING

OMNITRONICS, L.L.C.

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SUMMARY

Omnitronics, L L C (“Omnitronics”), pursuant to Section 1.401(a) of the Commission’s Rules, by its attorneys, hereby petitions the Commission to amend the provisions of its Part 95 Personal Radio Service Rules for the Citizens Band Radio Service

Omnitronics proposes that the Commission change its rules to (i) provide that authorized wireless microphones in the Citizens Band Radio Service (“CB Hands-Free Microphones”) may be used with authorized CB transmitters, (ii) allow manufacturers to obtain stand-alone equipment authorizations for CB Hands-Free Microphones designed and marketed as after-market add-ons, and (iii) set forth technical standards for CB Hands-Free Microphones. These changes are necessary because, although the safety benefits of hands-free operation of vehicular radio devices are now almost universally recognized, current rules for the Citizens Band Radio Service frustrate the development and marketing of this technology for the benefit of the public

Omnitronics submits that the amendments it proposes to the Commission’s Citizens Band Radio Services rules would serve the public interest. In particular, the amendments would (1) facilitate safer operation of CB radio transmitters, particularly by the long-haul trucking community and other users that rely upon CB service for the mutual sharing of critical information on road conditions, and (2) increase the opportunities for competition and increased consumer choice in the development and distribution of this potentially life-saving technology

TABLE OF CONTENTS

	Page
SUMMARY	1
I Background	2
II Rules to Be Amended	4
III The Proposed Rule Changes Would Serve the Public Interest	7
IV Conclusion	11

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PETITION FOR RULEMAKING

Omnitronics, L.L.C. ("Omnitronics"), pursuant to Section 1.401(a) of the Commission's Rules, by its attorneys, hereby petitions the Commission to amend the provisions of its Part 95 Personal Radio Service Rules for the Citizens Band Radio Service. Omnitronics, located in Conneaut, Ohio, develops, manufactures and distributes a range of specialized electronic products for consumers and industry. The amendments proposed by Omnitronics would authorize the manufacture, sale, and use of wireless microphones to permit hands-free operation of Citizens Band radio transmitters.

Specifically, Omnitronics proposes that the Commission change its rules to (i) provide that authorized wireless microphones in the Citizens Band Radio Service ("CB Hands-Free Microphones") may be used with authorized CB transmitters, (ii) allow manufacturers to obtain stand-alone equipment authorizations for CB Hands-Free Microphones designed and marketed as after-market add-ons, and (iii) set forth technical standards for CB Hands-Free Microphones. These changes are necessary because, although the safety benefits of hands-free operation of vehicular radio devices are now almost universally recognized, current rules for the Citizens

Band Radio Service frustrate the development and marketing of this technology for the benefit of the public

Today, the Citizens Band Radio Service rules include a general prohibition on the “remote” control of CB radio transmitters by radio link. There is no express exception for wireless microphones, which were not in common use for any service when the rules initially were adopted. In addition, to the extent that a CB Hands-Free Microphone is considered an “accessory” device for a CB transmitter, current Commission rules do not provide for the grant of equipment authorization apart from seeking a modification to the equipment authorization for the particular CB transmitter with which the hands-free microphone would be used. Furthermore, only the holder of the grant of authorization for the particular CB transmitter to which an accessory device would be attached may seek an equipment authorization for such an “accessory.” These provisions limit the availability of a useful potentially life-saving technology.

Omnitronics submits that the amendments it proposes to the Commission’s Citizens Band Radio Services rules would serve the public interest. In particular, the amendments would (1) facilitate safer operation of CB radio transmitters, particularly by the long-haul trucking community and other users that rely upon CB service for the mutual sharing of critical information on road conditions, and (2) increase the opportunities for competition and increased consumer choice in the development and distribution of this potentially life-saving technology.

I. Background

The Commission’s technical rules for the Citizen Band Radio Service have not undergone significant review or substantive revision since the 1960s. Over the subsequent decades, commercial mobile radio services and other services have taken over some of the roles that the Citizens Band service formerly fulfilled for some segments of the public, but the Citizens

Band radio continues in very active use in the long-haul trucking industry. Among long-haul truck drivers, Citizens Band radio continues to serve crucial functions in facilitating communications on safety information, road hazards, traffic conditions and other driver-critical information to other drivers in the immediate area.

Because the rules are several decades old, some aspects of the rules reflect the technology of a time past. For example, the rules do not even address wireless microphones. Also, the Commission's orders and preambles do not indicate how some key terms were understood at the time of adoption. For example, the rules contain a blanket proviso that only the holder of the equipment authorization may seek authorization for a CB "accessory" and then only by seeking modification of the equipment authorization for the CB transmitter itself. Neither the rules nor the preamble nor the Commission's preambles explaining them, however, expressly define what an "accessory" is. The rules themselves, moreover, suggest that the Commission's concern with "accessories" focused on devices that altered the power or character of the transmissions themselves, and not items such as wireless microphones that have no effect on the transmission system itself.

Similarly, in adopting the provision forbidding "remote" operation of a CB radio, the Commission did not have the occasion to consider whether the concerns underlying that provision were implicated by a wireless microphone that allowed operation only in the immediate driver's-reach vicinity of the CB transmitter itself. The Commission also did not consider the public safety advantages of facilitating hands-free operation of any communications device likely to be operated by the driver of a moving vehicle. That concern has come to the forefront only in recent years as data has become available on the results of widespread use of hand-operated wireless telephones by vehicle drivers. Now, many states already have passed

statutes restricting drivers from using cellular telephones in moving vehicles without “hands-free” capability

If these restrictions should be expanded to include all two-way radio devices including CB, the Commission’s continuation of restrictions on CB wireless microphones could have adverse effects on public safety. The sharing of road hazard and road condition information for the provision of mutual security and mutual aid is a well-established tradition in the long-haul trucking community that keeps our roads safer. Omnitronics submits that it is in the public interest for the Commission to encourage that tradition, in which the Citizens Band Radio Service plays a fundamental role, and to permit the sharing of safety and road information to continue in the safest possible way – through the use of wireless microphones in the CB service.

II. Rules to Be Amended

Facilitating the ready availability of “hands-free” operation of transmitters in the Citizens Band Radio Service requires the amendment of Section 95.419(a), which addresses “remote” operation of a CB transmitter, and Section 95.607(a), which forbids the use with CB radio transmitters of any “accessory” not included, whether initially or by modification, in the equipment authorization for that particular CB transmitter. Omnitronics submits that the necessary modifications can be made most efficiently by adding a definition of a “CB Hands-Free Microphone” that including permissible technical parameters that would avoid the prospect of misuse.

Omnitronics proposes amendment of Section 95.419 of the Commission’s Rules to define a *CB Hands-Free Microphone* and to provide that the use of a *CB Hands-Free Microphone* does not constitute “remote control” within the meaning of the rules. The Section as proposed to be amended is set forth below with the added language in Section 95.419(c) underlined.

(CB Rule 19) May I operate my CB station transmitter by remote control?

(a) You may not operate a CB station transmitter by radio remote control except by use of a CB Hands-Free Microphone. “CB Hands-Free Microphone” means a simplex system consisting of a head-worn microphone and associated transmitter unit and a receiver unit with a connector that is intended to attach to the existing microphone connector on a CB transmitter. The hands-free transmitter shall include a voice activation circuit (VOX) that will activate a relay in the receiver unit when voice is present at the head worn microphone. The receive unit shall be designed to activate the relay only when the hands free transmitter is in range and voice is present at the head-worn microphone. Each system shall use a unique user code meeting the specifications outlined in section 15.214(d) to ensure that the specific CB operator only controls the CB transmitter. The associated transmitter shall be limited to 1 mW (0.001 Watt) final collector current. The transmitter shall be designed to meet or exceed the specifications of Part 15, specifically including 15.249.

(b) You may operate a CB transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. If you receive FCC approval, you must keep the approval as part of your station records. See CB Rule 27, § 95.427.

(c) Remote control means operation of a CB transmitter from any place other than the location of the CB transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the CB transmitter is not considered remote control. Control of a CB transmitter by a CB Hands-Free Microphone is not considered remote control.

The proposed amendment would not contravene the policy or purpose of the original rule.

Section 95.419(c) already exempts from the definition of “remote control” the “[d]irect mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the CB transmitter.” 47 C.F.R. § 95.419. As discussed below, the proposed definition of “CB Hands-Free Microphone” specifies parameters that effectively limit the control of the CB transmitter to the immediate vicinity of the CB transmitter, just as would be the case if a direct wired electrical control were used.

Section 95.607 also would be amended to provide for the stand-alone authorization of CB Hands-Free Microphones by exempting CB Hands-Free Microphones from the prohibition on

the addition of any accessory or device not specified in the application for certification and authorized by the FCC in granting the certification. As amended, Section 95.607 would read as follows, with the added language underlined

CB transmitter modification Only the holder of the grant of authorization of the particular certificated CB transmitter may make the modifications permitted under the provisions for certification (see Part 2 of this chapter) No grantee shall make any of the following modifications to the transmitter without prior written permission from the FCC (Federal Communications Commission):

(a) The addition of any accessory or device not specified in the application for certification and authorized by the FCC in granting the certification, other than a Permitted CB Accessory A “Permitted CB Accessory” is a device that (i) does not connect to an internal circuit point on a CB transmitter, but connects only to a circuit point brought out to an existing external connector by the manufacturer; (ii) does not increase the radiofrequency output power of a CB transmitter, and (iii) does not cause the CB transmitter to operate on any radio frequency not specified in CB Rule 7 and (iv) does not otherwise violate the provisions of this Subpart D. A CB Hands-Free Microphone is a Permitted Accessory

(b) The addition of any switch, control or external connection other than a CB Hands-Free Microphone.

These changes clarify that the definition of a prohibited “accessory or device” does not include a CB Hands-Free Microphone and that a CB Hands-Free Microphone is not otherwise prohibited by subsection (b)

This change also does not contravene the apparent purposes of Section 95.607 The general description of “accessory” in Section 95.607 is broad enough to encompass a CB wireless microphone The rules for the Citizens Band Radio Service and particularly the references to “accessories” within them, indicate that the Commission was concerned only with those “accessory” devices that (i) connect to an internal circuit point on a CB transmitter rather than to a circuit point brought out to an existing external connector by the manufacturer, (ii) increase the radiofrequency output power of a CB transmitter, or (iii) cause the CB

transmitter to operate on any radio frequency not specified in CB Rule 7.¹ Indeed, certain of the existing rules appear to contemplate that other devices fitting generally within the term “accessories” could be added.²

The Commission can exempt CB Hands-Free Microphones from the definition of “accessories” in Section 95.607, through the proposed general definition of Permitted CB Accessory or a specific exemption, or both. These changes also would remove CB Hands-Free Microphones from the category of add-on equipment that is permissible only if the FCC has granted an equipment authorization covering the accessory as part of an initial or modified equipment authorization for the specific CB transmitter for which it is to be used. Because a CB Hands-Free Microphone would be an “intentional radiator” under the Commission’s Part 15 rules, equipment authorization still would be required, but any manufacturer with a complying product could seek the authorization, apart from any specific CB transmitter with which the device will be used.

¹ See, e.g., Sections 95.411 (forbidding linear amplifiers), 95.655(d) (forbidding any “accessory” that would cause a CB transmitter to operate on a frequency other than those specified in Section 95.407), Section 95.425 (requiring the authorization with the CB transmitter of plug-in modules which could connect to circuit points internal to the CB transmitter).

² See, e.g., Section 95.420 (phone patches, which expressly would be authorized under Part 68, independent of the equipment authorization for the CB transmitter), Section 95.637(d) (requiring peak limiters for type acceptance for the apparent purpose of ensuring that add-ons connected to the microphone input with greater audio frequency amplitude than the original equipment manufacturer’s microphone would not cause over-modulation – a measure that could be unnecessary if the only add-ons contemplated to be connected to the microphone input were those supplied by the original equipment manufacturer and authorized together with the specific CB transmitter with which it is used), Section 95.669(a) (defining the manner in which internal circuit points must be brought to external connections so as to ensure that (except for expressly forbidden linear amplifiers) any add-on connected to the existing external connectors would not cause the CB transmitter to operate in ways that could cause interference – again, a measure largely unnecessary if the Commission had contemplated that all add-ons using these connectors would be items approved with the specific CB transmitter), and 95.669(b) (requiring specific FCC approval to bring internal circuit points to external connectors not defined in Section 95.669(a), a provision that provides safeguards that after-market add-ons would not adversely affect CB transmitter performance).

III. The Proposed Rule Changes Would Serve the Public Interest

The rule changes proposed in this petition would increase the utility of CB radios without creating any additional risk of interference or violation of the substantive policies underlying the Commission's rules. The proposed changes are designed specifically to avoid potential difficulties that might be caused by other approaches to hands-free operation of a CB radio.

First, facilitating the availability of hands-free wireless CB microphones through stand-alone equipment authorizations independent of any specific CB transmitter would enhance the public safety and welfare: the changes will increase the utility of CB radios for their users. As noted above, there are significant concerns that use of hand-held communications devices while driving increases the risks for both the driver and others on the road. Indeed, there is a trend to adopt legislation prohibiting use of such devices. Hands-free operation enhances road safety not only for the users of the device, but for those whom the user may encounter when driving. Moreover, to the extent that restrictions on the use of hand-held devices become more common, permitting hands-free headsets may be the only way to ensure that CB users can continue to use their radios.

The amendments proposed in this petition also are designed to ensure that hands-free devices are not used to evade the underlying principles of the rules. In particular, Omnitronics has proposed that only simplex operations—that is, transmission from the headset to the CB radio—be permitted and that the power limit be set at 1 mW. These requirements would mean that a user would have to be within earshot of the CB radio's speakers to make practical use of a headset. This avoids the possibility that a headset user would attempt to set up a relay system, to use the radio as an intercom, or use it in some other way than intended by the Commission's basic CB policies.

The definition of a CB Hands-Free Microphone as proposed generally follows the limitations in Section 15.249 for Part 15 devices operating in those bands most suitable for the CB Hands-Free Microphone and other similar uses. Thus, the CB Hands-Free Microphone would operate under restrictions already determined to be sufficient to avoid interference to other spectrum users. The permissible power for CB Hands-Free Microphones, however, would be held to a ceiling well below that generally applicable to Part 15 devices to ensure operation only within or immediately adjacent to the vehicle in which the CB transmitter is installed.

Moreover, there is no valid reason to require that only the CB transmitter manufacturer be able to obtain an equipment authorization to cover a CB wireless microphone or to require that the authorization be granted only as a modification to the equipment authorization for a specific CB transmitter. Since the adoption of rules for the Citizens Band Radio Service, CB transmitter manufacturers by and large have standardized the use of open external connectors to allow CB microphones to connect with the CB transmitter. No internal connection or modification is necessary to add a microphone to any modern CB transmitter. After-market substitute or replacement microphones, whether wired or wireless, cannot affect the transmission characteristics of the CB transmitter, and the requirements for CB transmitters themselves include provision to ensure they will not

Furthermore, concerns with the transmitting keying policies – principally that the transmitter not be keyed to or left at the “on” position when no message is being transmitted – can be addressed through specific requirements for obtaining an equipment authorization for the *CB Hands-Free Microphone itself*. Indeed, because a *CB Hands-Free Microphone* would require its own equipment authorization, the Commission would have far more control over its design and operation than over after-market substitute and replacement CB wired microphones or other

add-on devices that do not use radiofrequency energy in their operation. As the Commission is aware, after-market CB wired microphones are ubiquitous, and there is no reported instance in which the Commission has suggested that wired CB microphones have contravened any of its rules for the Citizens Band Radio Service.

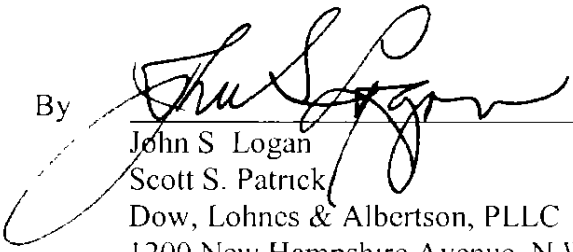
Thus, there are strong reasons to encourage the availability of hands-free CB technologies from multiple sources and in many variations. Indeed, competition in provision of hands-free devices as after-market products would provide consumers with increased choices and lower prices. To allow only the CB transmitter manufacturer to obtain an equipment authorization or to require these devices to be approved for use only with a specific CB transmitter, however, would restrict competition for no reason. Also, not all manufacturers of CB transmitters would enter the market for CB Hands-Free Microphones, and those who did enter into the market might not find it cost-efficient to seek an equipment authorization to add hands-free capability for discontinued models. Thus, restricting eligibility to CB transmitter manufacturers on a transmitter-specific basis would greatly restrict the availability to the public of potentially life-saving technology. Accordingly, Omnitronics submits that equipment authorization for CB Hands-Free Microphones necessarily should be available on a stand-alone basis.

IV. Conclusion

For the reasons set forth above, Omnitronics respectfully requests that the Commission amend Sections 95.419(a) and 95.607 of its Rules for the Citizens Band Radio Service as set forth herein to permit the separate authorization and use of hands-free wireless microphones in the Citizens Band Radio Service to facilitate safety in CB usage in vehicular communications.

Respectfully submitted,

By



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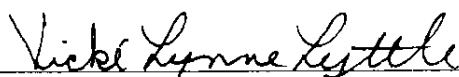
December 17, 2003

CERTIFICATE OF SERVICE

I, Vicki Lynne Lyttle, a legal secretary at Dow, Lohnes & Albertson, PLLC do hereby certify that on this 17th day of December, 2003, copies of the foregoing Petition for Rulemaking of Omnitronics, L L C were served by hand-delivery to the following:

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